

**AMENDED**  
**APPLICATION FOR PERMIT**

Serial No. **9501**

**TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of first receipt and filing in State Engineer's office JUL 17 1931  
Returned to applicant for correction NOV 19 1931  
Corrected application filed NOV 19 1931

The undersigned J.H. Carter Estate Co.,  
Name of applicant  
of Lee, County of Elko,  
State of Nevada, hereby makes application for  
permission to appropriate the public waters of the State of Nevada, as  
hereinafter stated. (If applicant is a corporation, give date and place  
of incorporation.) A Co-partnership.

1. The source of the proposed appropriation is Carter Well  
Name of stream, lake, or other source
2. The amount of water applied for is 0.5 second-feet.  
One-second-foot equals 40 miners' inches
3. The water to be used for Stockwatering and domestic.  
Irrigation, power, mining, manufacturing, domestic, or other use.
4. The water is to be diverted from its source at the following point:  
NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 2, T.18 N., R.56 E. or at a point whence the north  
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.  
 $\frac{1}{4}$  corner of Section 2, T.18 N., R.56 E., bears N.50° E., 365 feet.

**IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:**

- (a) Number of acres to be irrigated is \_\_\_\_\_
- (b) Description of land to be irrigated \_\_\_\_\_  
Describe by legal subdivision, or if on unsurveyed land it should

be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_, of each year.  
Month Month

**IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:**

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located at point of use.  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered  
10,000 sheep.
- (h) Use will begin about Oct. 1st and end about Sept. 30th of each year.  
Month Month
- (i) Remarks  
Applicant claims a vested right to this range by reason  
of many years of usage, and under the 1931 range act. Applicant  
does not waive his vested right by this application in and to  
any waters.

# DESCRIPTION OF PROPOSED WORKS

The well is approximately 160 feet deep, and will be equipped with  
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water  
a power pump and metal troughs.  
is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works \$1200

6. Estimated time required to construct works One year.

7. Remarks

For use of applicant

J. H. Carter Estate Co., Applicant.

By W. H. Settelmeyer

Compared BD-CT

This sheet inspected

, Engineer.

PROTESTED JAN. 28, 1932, -by-HANDLEY BROS, & H. M. PAYNE, ST. WTR. RT. SVYR.,-CARSON. 22035

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application,  
and do hereby grant the same, subject to the following limitations and  
conditions:

SEE ATTACHED SHEET

The amount of water to be appropriated shall be limited to the amount  
which can be applied to beneficial use, and not to exceed 0.0625  
cubic feet per second, or sufficient to water 10,000 sheep.

Actual construction work shall begin on or before March 23, 1944

Proof of commencement of work shall be filed before April 23, 1944

Work must be prosecuted with reasonable diligence and be completed on or  
before March 23, 1945

Proof of completion of work shall be filed before April 23, 1945

Application of water to beneficial use shall be made on or before

March 23, 1946. Proof of the application of water to beneficial  
use must be filed with State Engineer on or before April 23, 1946

Map Filed November 19-1931

WITNESS MY HAND AND SEAL this 24th day

Certificate No 2733, Issued Nov. 5, 1943, for 0.0625 cfs of September, 1943

Recorded Nov. 8, 1943, BK 129, Page 586

White Pine County Records

Alfred Murray Smith  
State Engineer.

This permit is issued subject to all prior rights on the source and especially subject to the following:

"It appearing that this application was protested by Handley Bros., as appears from the record herein, and that the said protest was sustained, and that the action of this office in sustaining said protest was approved by the District Court of the Seventh Judicial District of the State of Nevada, in and for the County of White Pine, and that an appeal from said decree has since been pending in the Supreme Court of the State of Nevada, and that during the pendency of such appeal, all parties thereto entered into a memorandum of agreement and stipulation dated January 22, 1943, settling their differences, and providing for the withdrawal of the said protest and the granting of the said application, which said agreement was recorded July 21, 1943, in Book 129 of Miscellaneous Records of White Pine County, Nevada, pages 530-535, and of which a certified copy has been filed in this office; and it appearing that pending the said appeal to the Supreme Court of the State of Nevada, no final record was made in this office to the effect that the application be denied, but that said filing has been left open pending the determination of said appeal, and further by the signing of the above mentioned memorandum of agreement and stipulation the conditions that would tend to contravene Sections 2 and 3 of the 1925 Stockwatering Act have been removed.

Now, therefore, in accordance with said contract it is hereby ordered that in accordance with the said Memorandum of Agreement, Stipulation, etc., of January 22, 1943, the said application of the protestant to withdraw its said protest be and the same hereby is granted, and the said protest is hereby deemed withdrawn, and that the said application be and the same hereby is granted, but subject to the limitations for the exercising of the said stockwatering rights of the applicant or its assigns within the range lines described in the said agreement and in the plat annexed thereto.

The State reserves the right to regulate the use of the water herein granted at any and all times.

